

ESTTA Tracking number: **ESTTA737461**

Filing date: **04/03/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Le Pafe, Inc.
Granted to Date of previous extension	04/02/2016
Address	7547 Telegraph Road Motebello, CA 90640 UNITED STATES
Attorney information	Kevin M. Welch The Law Office of Kevin M. Welch P.O. Box 494 Hermosa Beach, CA 90254 UNITED STATES kevin@kmwlawoffice.com Phone:(310) 929-0553

Applicant Information

Application No	86695837	Publication date	02/02/2016
Opposition Filing Date	04/03/2016	Opposition Period Ends	04/02/2016
Applicant	Overseas Food Trading Ltd. 3rd Floor Fort Lee, NJ 07024 UNITED STATES		

Goods/Services Affected by Opposition


Class 030. First Use: 2006/12/00 First Use In Commerce: 2006/12/00
All goods and services in the class are opposed, namely: candies; chocolates; chocolate truffles; cookies; cakes; pastries

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4888616	Application Date	05/14/2015
Registration Date	01/19/2016	Foreign Priority Date	NONE
Word Mark	LE CHEF BAKERY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1991/08/10 First Use In Commerce: 1992/02/25 Bakery products; bread; pastries; bagels; muffins; frozen yogurt and frozen confectionery; ice-cream; desserts, namely, cookies, cakes, cup cakes, pies, brownies, bars, tortes, tarts, dough shells and doughnuts; pre-baked and thaw and serve pastries and bread

Attachments	86629041#TMSN.png(bytes) Opposition.pdf(130392 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kevin M. Welch/
Name	Kevin M. Welch
Date	04/02/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD

In the Matter of Trademark Application:
Serial No.: 86695837
For the Mark: LE CHEF PATISSIER
Date filed: July 16, 2015

LE PAFE, INC, Opposer, v. OVERSEAS FOOD TRADING, LTD, Applicant.	Opposition No. _____
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PETITION OF OPPOSITION

Opposer, Le Pafe, Inc. (“Opposer”), a California corporation with an address of 7547 Telegraph Road, Montebello CA 90640, believes that it will be damaged by application serial no.: 86/695837 and hereby opposes the same.

Upon information and belief, Applicant Overseas Food Trading LTD (“Applicant”) is a corporation organized and existing under the laws of the state of New Jersey, with an address of 2200 Fletcher Avenue, 3rd Floor, Fort Lee, NJ 07024.

Description of Applicant's Application:

Applicant's application serial no.: 86/695837, filed on July 16, 2016, is for a stylized mark including the words LE CHEF PATISSIER for *candies; chocolates; chocolate truffles; cookies; cakes; pastries* in international class 030.

Description of the Grounds for Opposition:

Opposer, on personal knowledge as to its own actions and on information and belief as to the actions of others, pleads that:

1. Opposer has used the word mark LE CHEF BAKERY, reg. no. 4888616 in United States commerce in connection with: *Bakery products; bread; pastries; bagels; muffins; frozen yogurt and frozen confectionery; ice-cream; desserts, namely, cookies, cakes, cup cakes, pies, brownies, bars, tortes, tarts, dough shells and doughnuts; pre-baked and thaw and serve pastries and bread* since at least as early as February 25, 1992;
2. Opposer has used its word mark LE CHEF BAKERY, reg. nos. 4888616, continuously in United States commerce since at least as early as February 25, 1992;
3. Opposer has not abandoned his word mark LE CHEF BAKERY, reg. nos. 4888616, either expressly or by non-use;
4. Applicant's mark is so similar to Opposer's mark that the word portion differs only by the word PATISSIER which translates to BAKER;
5. Applicant's application serial no.: 86/597025 for the mark BIGVISION so resembles Opposer's mark as to be likely, when used on or in connection with Applicant's goods and services, to cause confusion or to cause mistake or to deceive;
6. Opposer is the senior and prior user of the word mark LE CHEF BAKERY, reg. nos. reg. nos. 4888616, and the allowance Applicant's application will harm Opposer as it will cause

consumer confusion, consumer mistake, consumer deception, and harm Opposer's goodwill, and; therefore, Applicant's application should be denied pursuant to §2(d) of the Act, 15 U.S.C. §1052(d);

7. Applicant's application serial no.: 86695837 so resembles Opposer's mark and services that the use of the applied-for mark falsely suggests an affiliation or connection between Applicant and Opposer;
8. Opposer will likely be damaged by the registration of Applicant's application for the mark LE CHEF PATISSIER, serial no.: 86695837 and; therefore, should be denied pursuant to §2(a) of the Act, 15 U.S.C. §1052(a);

Please direct all correspondence and communications in this Opposition to the undersigned.

Dated: April 4, 2016

Respectfully Submitted

By: 

Kevin M. Welch
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P.O. Box 494
Hermosa Beach, CA 90254
Email: Kevin@kmwlawoffice.com
Tel: (310) 929-0553
Fax: (310) 698-1626

Attorney for Le Pafe, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the following document:

PETITION OF OPPOSITION

has been served upon Applicant Over , by U.S. First Class Mail, postage prepaid, on April 4, 2016 at the following addresses:

Leslie Steinau, Esq.
Wilk Auslander, LP
1515 Broadway, RM 43
New York, New York 10036-8901

Dated: April 4, 2016

By: _____

Kevin M. Welch

The Law Office of Kevin M. Welch
P.O. Box 494,
Hermosa Beach, CA 90254
Tel.: (310) 929-0553
Fax (310) 698-1626

Attorney for Opposer
Le Pafe, Inc.